

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

TRAMAINE GULLEY,
Plaintiff,

v.

TURNIPSEED INTERNATIONAL, INC.,
Defendant.

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CIVIL ACTION NO. 4:22-cv-25

INDEX OF DOCUMENTS

COMES NOW, **TURNIPSEED INTERNATIONAL, INC.** (hereinafter referred to as “Defendant”), Defendant in the above-entitled and numbered civil action, and submits this its Index of Documents filed in the State Court Action, pursuant to the Federal Rules of Civil Procedure, and which are attached to Defendant’s *Notice of Removal*:

	Document	Date
1.	Plaintiff’s Original Petition	08/31/21
2.	Citation to Turnipseed International, Inc.	08/31/21
3	Service Request Form	08/31/21
4	Letter Requesting Citation Be Mailed	12/14/21
5	Citation to Turnipseed International, Inc.	12/14/21
6.	Return of Service on Turnipseed International, Inc.	01/07/22
7.	Original Answer of Defendant Turipseed International, Inc..	01/12/22
6.	Defendant’s Jury Demand	01/12/22
7.	Defendant’s Notice of Removal	01/12/22
8.	State Court Docket Sheet	01/12/22



Respectfully submitted,

/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY

State Bar No. 14289700

Rmontgomery@drmlawyers.com

ASHLEY A. SMITH

State Bar No. 24049385

asmith@drmlawyers.com

D. RANDALL MONTGOMERY

& ASSOCIATES, P.L.L.C.

12400 Coit Road, Suite 560

Dallas, Texas 75251

(214) 292-2600

(469) 568-9323 (Facsimile)

**ATTORNEYS FOR DEFENDANT
TURNIPSEED INTERNATIONAL, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument has been served upon all attorneys of record in accordance with the Texas Rules of Civil Procedure on this the 12th day of January, 2022.

VIA E-FILE

Dagmawi Getachew
Kelley Law Firm, PC
201 N. Harwood Street
Dallas, TX 75201

/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY

FILED
TARRANT COUNTY
8/31/2021 12:58 PM
THOMAS A. WILDER
DISTRICT CLERK

Cause No. 096-328221-21

TRAMAINE GULLEY,

Plaintiff,

vs.

TURNIPSEED INTERNATIONAL, INC.,

Defendant.

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

COMES NOW, Plaintiff, TRAMAINE GULLEY, by and through counsel, and files this Plaintiff's Original Petition against Defendant, Turnipseed International, Inc., complaining of various acts and omissions and for her causes of action against the above-named Defendant would show the Court and jury as follows:

I. DISCOVERY LEVEL

1. Plaintiff intends to conduct discovery under Level 2 in accordance with Texas Rule of Civil Procedure 190 and request the Court enter a Docket Control Order consistent with that intent. Plaintiff affirmatively pleads this suit is not governed by the expedited actions process in Texas Rules of Civil Procedure 169 because Plaintiffs seek monetary relief between \$250,000.00 and \$1,000,000.00.

II. PARTIES

2. Plaintiff Tramaine Gulley is an individual who resides in Dallas, Texas.

3. Defendant, Turnipseed International, Inc., is a non-resident corporation located in Birmingham Alabama, and can be served via their registered agent, James Turnipseed at 7030 Meadowlark Dr. Birmingham, AL 35242. **Issuance of citation is requested at this time.** At the time of the incident complained of herein, Defendant's Turnipseed International, Inc. truck, with trailer in tow, was operating in furtherance of Defendant's business.

III. JURISDICTION AND VENUE

4. This court has jurisdiction over the Defendant because it has conducted business in Texas, has committed a tort in Texas, or has continuous contacts within Texas. In addition, the damages for which Plaintiff brings suit exceeds the minimal jurisdiction limits of the court, as Plaintiff seeks monetary relief between \$250,000.00 and \$1,000,000.00.

5. Venue is proper in Tarrant County, Texas, because all or a substantial part of the events or omissions giving rise to the claim occurred. (See, Tex. Civ. Prac. & Rem. Code Ann. §15.002(a)(1).

IV. STATEMENT OF FACTS

6. This lawsuit results from a collision that occurred on or about May 3, 2021, on I-30 eastbound approaching Highway 360 in Grand Prairie, Texas. Defendant Turnipseed International, Inc.'s truck collided with the rear of Plaintiff's vehicle while she was stopped due to a recent motor vehicle accident on the roadway. Defendant's employee failed to maintain a proper lookout, failed to control their speed, failed to operate the truck in a safe and prudent manner, failed to sound a warning and otherwise exercise ordinary and reasonable care while operating a truck.

V. CAUSES OF ACTION

1. NEGLIGENCE OF TURNIPSEED INTERNATIONAL, INC.

7. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

8. Defendant Turnipseed International, Inc.'s employee driver owed Plaintiff a duty to exercise ordinary care under the circumstances. Defendant Turnipseed International, Inc.'s employee driver, knew or should have known of the dangers created by their actions and failed to exercise ordinary care to protect the Plaintiff from harm. Defendant Turnipseed International, Inc.'s employee driver's failure to use ordinary care proximately caused Plaintiff's damages. But-

for the negligent actions of Defendant Turnipseed International, Inc.'s employee driver, the Plaintiff would not have suffered any harm.

9. On the occasion in question, Defendant Turnipseed International, Inc.'s employee driver was the driver of the 1999 Ford F-150 towing a 1998 Great T 16-foot trailer and Defendant Turnipseed International, Inc.'s owned, occupied, operated, insured, and/or controlled the F-150 and Great T trailer, in a negligent and grossly negligent manner and violated the duty owed to Plaintiff to exercise ordinary care in at least the following ways:

- a. Defendant's driver failed to keep a proper lookout;
- b. Defendant's driver failed to control her speed;
- b. Defendant's driver failed to drive the F-150 and Great T trailer in an attentive manner;
- c. Defendant's driver failed to slow down the F-150 and Great T trailer immediately prior to the collision in question;
- d. Defendant's driver failed to timely apply the brakes of F-150 and Great T trailer immediately prior to the collision in question;
- e. Defendant's driver failed to turn the F-150 and Great T trailer properly to avoid the collision;
- f. Defendant's driver failed to steer the F-150 and Great T trailer properly to avoid the collision;
- g. Defendant driver drove the F-150 and Great T trailer at the time and on the occasion in question with willful and wanton disregard for the safety of others, in violation of the laws of the State of Texas, including Texas Transportation Code, Section 544.004;
- h. At all times in question, Defendant Turnipseed International, Inc.'s employee driver, was acting in the course and scope of their employment with Defendant Turnipseed International, Inc., and thus, Defendant Turnipseed International, Inc. is vicariously responsible for the employee's acts and omissions. Plaintiff invokes the doctrine of *respondeat superior* with respect to the acts and omissions of Defendant Turnipseed International, Inc.'s officers, employees, or agents. Defendant's conduct, through its officers, employees, or agents, as set forth above and otherwise, constituted negligence by act or omission, each, separately and together, was a direct and proximate cause of the occurrence or injuries in question and Plaintiff's damages resulting from the occurrence in question;

- i. Defendant Turnipseed International, Inc. is liable independently for their employee's negligence because Defendant Turnipseed International, Inc. failed to exercise ordinary care in hiring, training, supervising, and retaining the employee. These failures constitute a breach in the applicable standard of care and were a direct and proximate cause of the injuries and damages sustained by Plaintiff. Defendant Turnipseed International, Inc. employee driver's reckless disregard for safety standards demonstrates a conscious indifference to the rights, welfare, and safety of others, including Plaintiff.

- j. Any and all other acts or omissions that may be presented at the time of trial.

10. One or more of the above cited violations of law and regulations constituted negligence per se.

11. Each of the foregoing acts and omissions, singularly or in combination with others, constituted negligence that proximately caused the severe bodily injuries to the Plaintiff. The injuries have had serious effects on each Plaintiff's health and well-being. Some of these ill effects are permanent and will abide with the Plaintiff for a long time in the future, if not for her entire life. The specific injuries and their ill effects have, in turn, caused the Plaintiff's physical and mental condition to deteriorate generally, so that the specific injuries and ill effects alleged have caused and will, in all reasonable probability, continue to cause the Plaintiff to suffer the consequences and ill effects of this deterioration throughout her body for a long time in the future, if not for the balance of their natural lives.

12. As a further result of the nature and the consequences of their injuries, the Plaintiff has suffered great physical and mental pain, suffering, and anguish, and in all reasonable probability he will continue to suffer in this manner for a long time into the future, if not for the balance of their natural life.

II. VICARIOUS LIABILITY AND RESPONDEAT SUPERIOR AGAINST DEFENDANT VISION BP, LLC D/B/A NIX DOOR AND HARDWARE

17. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

18. At the time of the incident that forms the basis of this lawsuit, an employee and/or agent of Vision Bp, LLC., d/b/a Nix Door and Hardware and was acting within the course and scope of his employment while driving the vehicle which collided with Plaintiff, and as such, Plaintiff invokes the common law doctrine of vicarious liability against Defendant Vision Bp, LLC., d/b/a Nix Door and Hardware for the individual acts and omissions of their respective employee that caused the damages to Plaintiffs. Consequently, Plaintiffs allege the following acts and omissions of the defendant as the proximate cause of Plaintiff's injuries:

- A. Failure to exercise a reasonable degree of duty of care under the circumstances;
- B. Failing to assign qualified, experienced, and trained employees to operate the tractor-trailer;
- C. Failure to properly train employed drivers;
- D. Failure to ensure proper use of motor vehicles;
- E. Failure to ensure employees adhere to the rules of the road;
- F. Failure to ensure employees adhere to company rules and regulations; and
- G. Any and all other acts of negligence for which the Defendants may be held liable.

19. Each of these acts and omissions, singularly or in combination with others, constituted negligence, which proximately caused the occurrence made the basis of this action and Plaintiffs' injuries and damages.

2. GROSS NEGLIGENCE OF TURNIPSEED INTERNATIONAL, INC.

13. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

14. Defendant's conducts constitute gross negligence because their acts or omissions, when viewed objectively at their time of occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Despite the actual, subjective awareness

of the risk involved, Defendant Turnipseed International, Inc., proceeded with conscious indifference to the rights, safety, and welfare of others by disregarding the rules governing the safety and operation of motor vehicles and the rules of the road. Accordingly, the Plaintiff seeks exemplary damages against Defendants under TEX. CIV. PRAC. & REM. CODE § 41.003.

VI. COMPENSATORY DAMAGES

15. As a result of Defendant's negligent acts and omissions, Plaintiffs seek the recovery of any and all compensatory damages, including but not limited to:

- a. past and future medical expenses;
- b. past and future loss of earnings/lost wages;
- c. past and future pain and suffering;
- d. past and future physical impairment;
- e. past and future mental anguish;
- f. properly damage;
- g. loss of use; and
- h. all other relief, in law and in equity, to which Plaintiff may be entitled.

VII. PRESERVATION OF EVIDENCE

16. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

17. Plaintiffs demand that the Defendant preserve and maintain all evidence pertaining to any claim or defense related to the incident that made the basis of this lawsuit, or damages resulting therefrom, including but not limited to photographs, videotapes, audiotapes, recordings, business or medical records, bills, estimates, invoices, checks, receipts, measurements, inspections, files, facsimiles, emails, voicemails, text messages, investigations, cellular phone records, calendar entries, any electronic images, data, or information related to the Defendant, the referenced incident, and any damages resulting therefrom.

VIII. NOTICE OF INTENT TO USE PRODUCED DOCUMENTS

18. Pursuant to TEX. R. CIV. P. 193.7, Plaintiff hereby notifies Defendant of Plaintiff's intent to use all documents exchanged and produced between the parties, including but not limited to: correspondence, discovery responses, and deposition testimony and/or exhibits during the trial of this matter and in any motions for summary judgment.

IX. NOTICE OF INTENT TO USE EVIDENCE OF CONVICTIONS

19. Pursuant to TEX. R. EVID. 609(f), Plaintiff hereby notifies Defendant of her intent to use evidence of Defendant's criminal convictions, if any, at the time of trial.

X. PRE-JUDGMENT AND POST JUDGMENT INTEREST

20. Plaintiffs request pre-judgment and post-judgment interest in accordance with the maximum legal interest rates allowable as interpreted under the laws of the State of Texas.

XI. PRAYER

21. **WHEREFORE PREMISES CONSIDERED**, Plaintiff requests that Defendants be cited to appear and answer herein, and that upon final hearing thereof, Plaintiff has:

- a. Judgment against Defendant for Plaintiff's past medical expenses, which are reasonable and customary for the medical care received by Plaintiff;
- b. Judgment against Defendant for Plaintiff's future medical expenses;
- c. Judgment against Defendant for Plaintiff's lost wages in the past and future;
- d. Judgment against Defendant for Plaintiff's physical pain and suffering in the past and future in an amount to be determined by the jury;
- e. Judgment against Defendant for Plaintiff's mental anguish in the past and future in an amount to be determined by the jury;
- f. Judgment against Defendant for Plaintiff's physical impairment in the past and future in an amount to be determined by the jury;

- g. Interest on the judgment at the legal rate from the date of judgment;
- h. Pre-judgment interest on Plaintiff's damages as allowed by law;
- i. All costs of court and suit;
- j. Such other and further relief to which Plaintiff may be justly entitled; and
- k. Any further relief, either in law or equity, to which Plaintiff is justly entitled.

Respectfully Submitted this 31st day of August 2021.

KELLEY LAW FIRM, P.C.

/s/ Dagmawi Getachew
Dagmawi Getachew
Texas Bar No. 24108975
Getachew@kelleyfirm.com
201 N. Harwood Street
Dallas, TX 75201
Phone: (972) 850-0500
Fax: (972) 850-0400

/s/ Nicholas Chrestopoulos
Nicholas Chrestopoulos
Texas Bar No. 24102988
Taghavi@kelleyfirm.com
201 N. Harwood Street
Dallas, TX 75201
Phone: (972) 850-0500
Fax: (972) 850-0400

ATTORNEYS FOR PLAINTIFF

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 096-328221-21

TRAMAINE GULLEY
VS.
TURNIPSEED INTERNATIONAL, INC.

TO: TURNIPSEED INTERNATIONAL INC

B/S REG AGENT-JAMES TURNIPSEED 7030 MEADOWLARK DR BIRMINGHAM, AL 35242-

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 96th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

TRAMAINE GULLEY

Filed in said Court on August 31st, 2021 Against
TURNIPSEED INTERNATIONAL INC

For suit, said suit being numbered 096-328221-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

DAGMAWI GETACHEW
Attorney for TRAMAINE GULLEY Phone No. (972)850-0500
Address 201 N HARWOOD ST DALLAS, TX 75201

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 7th day of September, 2021.

By Natalie Thigpen Deputy
NATALIE THIGPEN

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *09632822121000003*

Received this Citation on the _____ day of _____, _____ at _____ o'clock ____M; and executed at _____ within the county of _____, State of _____ at _____ o'clock ____M on the _____ day of _____, _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____, _____ to certify which witness my hand and seal of office

(Seal)

County of _____, State of _____

CITATION

Cause No. 096-328221-21

TRAMAINE GULLEY

VS.

TURNIPSEED INTERNATIONAL,
INC.

ISSUED

This 7th day of September, 2021

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

DAGMAWI GETACHEW
Attorney for: TRAMAINE GULLEY
Phone No. (972)850-0500
ADDRESS: 201 N HARWOOD ST

DALLAS, TX 75201

CIVIL LAW



09632822121000003

SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL

THOMAS A. WILDER, DISTRICT CLERK

TARRANT COUNTY SERVICE REQUEST FORM

FILED
TARRANT COUNTY
8/31/2021 12:58 PM
THOMAS A. WILDER
DISTRICT CLERK

096-328221-21

Cause No: _____

Style of Case: Tramaine Gulley v. Turnipseed International, Inc.

Please reference the District Clerk web page, www.tarrantcounty.com/DistrictClerk/Forms for the following forms: Abstracts, Executions, Subpoenas.

Choose the type of service documents for issuance and select the type and quantity of issuance(s) needed. *For electronic service, service document will be e-mailed to you for you to attach documents and have party served.

☐ Check box if you would like the District Clerk's Office to make copies for your service. (add \$.50 per page per pleading for copies for service)

Title of Pleading to be Served: Original PetitionDate Pleading Filed: August 31, 2021Return to (e-Service ONLY): rivera@kelleyfirm.com

(Name and e-mail address)

Quantity	Type of Service	TC Constable	Alternative Service (Private Process or Out of County)	Certified Mail	*Electronic Service
	Citation by Publication				
	Citation by Posting				
1	Citation		Private Process Server		
	TRO				
	Show Cause				
	Capias				
	Arrest Warrant				
	Protective Order				
	Writ of Habeas				
	Writ of Attachment				
	Bench Warrant				
	Writ of Garnishment				
	Writ of Permanent Injunction				
	Writ of Temporary Injunction				

Name of Party to be served: Turnipseed Int'l, Inc.Service Type: Private ProcessAddress for Service: 7030 Meadowlark Dr., Birmingham, Al.

Party Type: _____

To be served to Registered Agent: James Turnipseed

Name of Party to be served: _____

Service Ty _____ Party

Address for Service: _____

Type: _____

Attach additional pages if there are more parties to be served.

PERSON REQUESTING SERVICE:NAME: Siboney Rivera, Kelley Law FirmMAILING ADDRESS: 201 N. Harwood Street, Dallas, Texas 75201PHONE NO: 972-850-0500 Ext. 319

FAX NO.: _____

EMAIL ADDRESS: rivera@kelleyfirm.com

096-328221-21



FILED
TARRANT COUNTY
12/14/2021 4:54 PM
THOMAS A. WILDER
DISTRICT CLERK

December 14, 2021

Via Electronic Filing

96th Judicial District
Tarrant County District Clerk
Tom Vandergriff Civil Courts Building
100 N. Calhoun street
Fort Worth, Texas

Re: Request for Citation

Cause No. 096-328221-21; Tramaine Gulley v. Turnipseed International, Inc.

Dear Clerk of Court:

I am writing to request the issuance of the following citations for service of process:

Defendant Turnipseed International through its Registered Agent, James Turnipseed
Address: **7030 Meadowlark Dr., Birmingham, AL 35242**
Type of Service: Civil Process Server

Please send the issued citations to our office via email at gonzalez@kelleyfirm.com. If you should have any questions or would like to discuss this matter in further detail, please do not hesitate to call me at (972) 850-0500.

Respectfully Submitted,

KELLEY LAW FIRM, P.C.

S. Alexis Gonzalez
Alexis Gonzalez
Litigation Paralegal



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Siboney Gonzalez on behalf of Dagmawi Getachew
Bar No. 24108975
Gonzalez@kelleyfirm.com
Envelope ID: 60025906
Status as of 12/14/2021 4:58 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Siboney Rivera		rivera@kelleyfirm.com	12/14/2021 4:54:44 PM	SENT
Siboney AlexisGonzalez		Gonzalez@kelleyfirm.com	12/14/2021 4:54:44 PM	SENT
Dagmawi Getachew		getachew@kelleyfirm.com	12/14/2021 4:54:44 PM	SENT
Nicholas Chrestopoulos		chrestopoulos@kelleyfirm.com	12/14/2021 4:54:44 PM	SENT

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 096-328221-21

TRAMAINE GULLEY
VS.
TURNIPSEED INTERNATIONAL, INC.

TO: TURNIPSEED INTERNATIONAL INC

B/S REG AGENT-JAMES TURNIPSEED 7030 MEADOWLARK DR BIRMINGHAM, AL 35242-

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 96th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

TRAMAINE GULLEY

Filed in said Court on August 31st, 2021 Against
TURNIPSEED INTERNATIONAL INC

For suit, said suit being numbered 096-328221-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

DAGMAWI GETACHEW
Attorney for TRAMAINE GULLEY Phone No. (972)850-0500
Address 201 N HARWOOD ST DALLAS, TX 75201

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 16th day of December, 2021.

By Natalie Thigpen Deputy
NATALIE THIGPEN

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *09632822121000007*

Received this Citation on the _____ day of _____, _____ at _____ o'clock ____M; and executed at _____ within the county of _____, State of _____ at _____ o'clock ____M on the _____ day of _____, _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____
County of _____ State of _____ By _____ Deputy

Fees \$ _____
State of _____ County of _____ (Must be verified if served outside the State of Texas)
Signed and sworn to by the said _____ before me this _____ day of _____, _____
to certify which witness my hand and seal of office
(Seal) _____
County of _____, State of _____

CITATION

Cause No. 096-328221-21

TRAMAINE GULLEY

VS.

TURNIPSEED INTERNATIONAL,
INC.

ISSUED

This 16th day of December, 2021

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

DAGMAWI GETACHEW
Attorney for: TRAMAINE GULLEY
Phone No. (972)850-0500
ADDRESS: 201 N HARWOOD ST

DALLAS, TX 75201

CIVIL LAW



09632822121000007

SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL

096-328221-21

FILED
TARRANT COUNTY
1/7/2022 11:06 AM
THOMAS A. WILDER
DISTRICT CLERK

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 096-328221-21

TRAMAINE GULLEY
VS.
TURNIPSEED INTERNATIONAL, INC.

TO: TURNIPSEED INTERNATIONAL INC

S/S REG AGENT-JAMES TURNIPSEED 7030 MEADOWLARK DR BIRMINGHAM, AL 35242-

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 96th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

TRAMAINE GULLEY

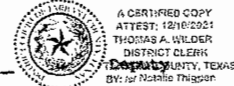
Filed in said Court on August 31st, 2021 Against
TURNIPSEED INTERNATIONAL INC

For suit, said suit being numbered 096-328221-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

DAGMAWI GETACHEW
Attorney for TRAMAINE GULLEY Phone No. (972)850-0500
Address 201 N HARWOOD ST DALLAS, TX 75201

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 16th day of December, 2021.

By Natalie Thigpen
NATALIE THIGPEN



NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM, on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

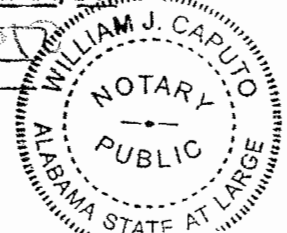
OFFICER'S RETURN *09632822121000007*

Received this Citation on the 16th day of December, 2021 at 11:32 o'clock A.M. and executed at 7030 Meadowlark Drive, Birmingham, AL 35242 within the county of Jefferson, State of Alabama at 11:25 o'clock A.M. on the 20th day of December, 2021 by delivering to the within named (Def.): James Turnipseed defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: Chris Mills
County of Jefferson State of AL By Chris Mills - Private Process Server Deputy

Fees \$ _____
State of AL County of Jefferson (Must be verified if served outside the State of Texas)
Signed and sworn to by the said Chris Mills before me this 22nd day of December, 2021
to certify which witness my hand and seal of office
(Seal)

County of Jefferson State of AL
Exp. 4/16/22



096-328221-21

FILED
TARRANT COUNTY
1/12/2022 11:15 AM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 096-328221-21

TRAMAINE GULLEY,
Plaintiff,

v.

TURNIPSEED INTERNATIONAL, INC.,
Defendant.

§ **IN THE DISTRICT COURT**
§
§
§ **TARRANT COUNTY, TEXAS**
§
§
§ **96TH JUDICIAL DISTRICT**

ORIGINAL ANSWER OF DEFENDANT TURNIPSEED INTERNATIONAL, INC.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **TURNIPSEED INTERNATIONAL, INC.** (hereinafter “Defendant”), Defendant in the above-entitled and numbered cause, and makes and files this its Original Answer, showing unto the Court as follows:

I.

GENERAL DENIAL

Subject to such stipulations and admissions as may be made hereafter, this Defendant hereby enters a general denial as permitted by Rule 92 of the Texas Rules of Civil Procedure, and requests that Plaintiff be required to prove by a preponderance of the evidence the charges and allegations which he has made against this Defendant and to do so before a jury composed of twelve (12) citizens of this County as is required by the laws and Constitution of the State of Texas.

II.

AFFIRMATIVE DEFENSES

1. Defendant says that at the time and on the occasion in question, Plaintiff failed to use that degree of care and caution that would have been used by a person of ordinary prudence under the same or similar circumstances and thereby proximately caused, or proximately contributed to cause, the occurrence in question and any allegedly resulting injuries or damages.

2. Further answering, and in the alternative, Defendant states that Plaintiff's injuries were caused, in whole or in part, due to Plaintiff's negligence.

3. Further answering, and in the alternative, Plaintiff may not recover any amount of damages if her percentage of responsibility is greater than 50% regardless of the theory of recovery pled. Tex. Civ. Prac. & Rem. Code § 33.001.

4. Defendant says that the occurrence in question and any resulting damages or injuries of Plaintiff were proximately and/or solely caused (or contributed) by the acts or omissions of third parties or parties over whom Defendant has or had no legal responsibility, liability, control, or the right of control, and not as a result of any acts or omissions by this Defendant.

5. Defendant says that it is entitled to a determination of the proportionate responsibilities, contribution, and/or indemnity under Chapters 32 and 33 of the Texas Civil Practice and Remedies Code against all parties in this suit.

6. Further answering, and in the alternative, Defendant invokes Section 41.0105 of the Texas Civil Practices and Remedies Code and Defendant requests that to the extent Plaintiff seeks recovery of medical or healthcare expenses incurred that the evidence to provide such loss must be limited to the amount actually paid or incurred by or on behalf of the Plaintiff. Defendant further requests the Court to instruct the jury as to whether any recovery for medical or healthcare expenses sought by the Plaintiff is limited to the amount actually paid or incurred by or on behalf of the Plaintiff.

7. Further answering, and in the alternative, Defendant invokes Section 18.091 of the Texas Civil Practice and Remedies Code and requests that to the extent that Plaintiff seeks recovery for loss of earnings, loss of earning capacity, loss of contributions of a pecuniary value,

that the evidence to prove such loss must be presented in the form of a net loss after reduction for income tax payments or unpaid tax liability. Defendant further requests that the Court instruct the jury as to whether any recovery for compensatory damages sought by Plaintiff is subject to federal or state income taxes.

8. Further answering, and in the alternative, Defendant would show that Plaintiff's damages and injuries, if any, are the result, in whole or part, of some pre-existing injury, condition or natural cause or a combination thereof, or of subsequent injuries, condition, or natural cause, and are not the result of any act or omission on the part of this Defendant. As such, Defendant affirmatively pleads the defenses of pre-existing condition and subsequent intervening event.

9. Further answering, and in the alternative, Defendant states that Plaintiff failed to mitigate her damages and are therefore limited in recovery to which they may otherwise show herself entitled.

10. Further answering, and in the alternative, Defendant contends Plaintiff's claims for pre-judgment interest are limited pursuant to the provisions of Section 304.102 of the Texas Finance Code.

III.

REQUEST FOR COURT REPORTER

Defendant respectfully requests that a court reporter attend all sessions in court in connection with this case and that said reporter take full notes of all testimony offered, together with any objections, rulings, and remarks of the Court and exceptions thereto and such other proceedings as may be needed or requested by Defendant.

IV.

NOTICE OF TEXAS RULE OF CIVIL PROCEDURE 193.7

Pursuant to Texas Rule of Civil Procedure 193.7, the undersigned hereby notifies all counsel of record that Defendant may introduce into evidence at the time of trial or pre-trial, those documents produced by all parties in response to requests for production and/or requests for disclosure in this matter.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that judgment be rendered, that Plaintiff take nothing by this suit and that Defendant be permitted to go hence without delay and recover its costs in its behalf expended, and for such other and further relief, general and specific, legal and equitable, to which Defendant may be justly entitled.

Respectfully submitted,

/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY

State Bar No. 14289700

Rmontgomery@drmlawyers.com

ASHLEY A. SMITH

State Bar No. 24049385

asmith@drmlawyers.com

D. RANDALL MONTGOMERY

& ASSOCIATES, P.L.L.C.

12400 Coit Road, Suite 560

Dallas, Texas 75251

(214) 292-2600

(469) 568-9323 (Facsimile)

ATTORNEYS FOR DEFENDANT

TURNIPSEED INTERNATIONAL, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument has been served upon all attorneys of record in accordance with the Texas Rules of Civil Procedure on this the 12th day of January, 2022.

VIA E-FILE

Dagmawi Getachew
Kelley Law Firm, PC
201 N. Harwood Street
Dallas, TX 75201

/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Renay Delozier on behalf of Randy Montgomery
 Bar No. 14289700
 rdelozier@drmlawyers.com
 Envelope ID: 60745354
 Status as of 1/12/2022 11:32 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Dagmawi Getachew		getachew@kelleyfirm.com	1/12/2022 11:15:50 AM	SENT
Siboney Rivera		rivera@kelleyfirm.com	1/12/2022 11:15:50 AM	SENT
Nicholas Chrestopoulos		chrestopoulos@kelleyfirm.com	1/12/2022 11:15:50 AM	SENT
Siboney AlexisGonzalez		Gonzalez@kelleyfirm.com	1/12/2022 11:15:50 AM	SENT

Associated Case Party: THETURNIPSEED INTERNATIONAL INC

Name	BarNumber	Email	TimestampSubmitted	Status
Ashley Smith		asmith@drmlawyers.com	1/12/2022 11:15:50 AM	SENT
Randy Montgomery		Rmontgomery@drmlawyers.com	1/12/2022 11:15:50 AM	SENT
Jill Koester		jkoester@drmlawyers.com	1/12/2022 11:15:50 AM	SENT
Renay Delozier		rdelozier@drmlawyers.com	1/12/2022 11:15:50 AM	SENT

096-328221-21

FILED
TARRANT COUNTY
1/12/2022 11:15 AM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 096-328221-21

TRAMAINE GULLEY,	§ IN THE DISTRICT COURT
Plaintiff,	§
	§
v.	§ TARRANT COUNTY, TEXAS
	§
TURNIPSEED INTERNATIONAL, INC.,	§
Defendant.	§ 96TH JUDICIAL DISTRICT

DEFENDANT'S JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **TURNIPSEED INTERNATIONAL, INC.** (hereinafter "Defendant"),
and demands a jury trial of all issues of fact in this lawsuit.

The filing of this Jury Demand, however, is not a request that the matter be set for trial at
this time or that the matter be placed on the Court's docket at this time.

Respectfully submitted,

/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY

State Bar No. 14289700

Rmontgomery@drmlawyers.com

ASHLEY A. SMITH

State Bar No. 24049385

asmith@drmlawyers.com

D. RANDALL MONTGOMERY

& ASSOCIATES, P.L.L.C.

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Dallas, Texas 75251

(214) 292-2600

(469) 568-9323 (Facsimile)

**ATTORNEYS FOR DEFENDANT
TURNIPSEED INTERNATIONAL, INC.,**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument has been served upon all attorneys of record in accordance with the Texas Rules of Civil Procedure on this the 12th day of January, 2022.

VIA E-FILE

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Kelley Law Firm, PC
201 N. Harwood Street
Dallas, TX 75201

/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY

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Associated Case Party: THETURNIPSEED INTERNATIONAL INC

Name	BarNumber	Email	TimestampSubmitted	Status
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Randy Montgomery		Rmontgomery@drmlawyers.com	1/12/2022 11:15:50 AM	SENT
Jill Koester		jkoester@drmlawyers.com	1/12/2022 11:15:50 AM	SENT
Renay Delozier		rdelozier@drmlawyers.com	1/12/2022 11:15:50 AM	SENT

CAUSE NO. 096-328221-21

TRAMAINE GULLEY,
Plaintiff,

v.

TURNIPSEED INTERNATIONAL, INC.,
Defendant.

§ IN THE DISTRICT COURT
§
§
§ TARRANT COUNTY, TEXAS
§
§
§ 96TH JUDICIAL DISTRICT

NOTICE OF FILING OF NOTICE OF REMOVAL

Please take notice that on January 12, 2022, Defendant Turnipseed International, Inc. filed a Notice of Removal of the above-captioned action with the United States District Court for the Northern District of Texas, Fort Worth, Division, a copy of which is attached hereto.

Respectfully submitted,

/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY

State Bar No. 14289700

Rmontgomery@drmlawyers.com

ASHLEY A. SMITH

State Bar No. 24049385

asmith@drmlawyers.com

D. RANDALL MONTGOMERY

& ASSOCIATES, P.L.L.C.

12400 Coit Road, Suite 560

Dallas, Texas 75251

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(469) 568-9323 (Facsimile)

ATTORNEYS FOR DEFENDANT

TURNIPSEED INTERNATIONAL, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument has been served upon all attorneys of record in accordance with the Texas Rules of Civil Procedure on this the 12th day of January, 2022.

VIA E-FILE

Dagmawi Getachew
Kelley Law Firm, PC
201 N. Harwood Street
Dallas, TX 75201

/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY



Tarrant County District Clerk Online

Thomas A. Wilder, District Clerk

Civil Case and Transaction Information

01/12/2022 1:25 PM

Court : 096 Case : 328221 Search New Search ☐ Show Service Documents ONLY

Cause Number : 096-328221-21

Date Filed : 08-31-2021

TRAMAINE GULLEY | vs | TURNIPSEED INTERNATIONAL, INC.

Cause of Action : INJURY OR DAMAGE, INVOLVING MOTOR VEHICLE

Case Status : PENDING

File Mark	Description	Assessed Fee	Credit/Paid Fee
08-31-2021	<u>PLTF'S ORIG PET</u>		<u>\$289.00</u>
		N	
08-31-2021	<u>PAYMENT RECEIVED trans #1</u>		<u>\$289.00</u>
		Y	
08-31-2021	<u>CIT-ISSUED ON TURNIPSEED INTERNATIONAL INC-On 09/07/2021</u>		<u>\$8.00</u>
		N Svc	
08-31-2021	<u>PAYMENT RECEIVED trans #3</u>		<u>\$8.00</u>
		Y	
08-31-2021	<u>SVC REQ FORM</u>		<u>\$0.00</u>
			
12-14-2021	<u>LTR REQ CIT BE EMAILED (DP 12/15/21 ER)</u>		<u>\$0.00</u>
			
12-14-2021	<u>CIT-ISSUED ON TURNIPSEED INTERNATIONAL INC-On 12/16/2021</u>		<u>\$8.00</u>
		N Svc	
12-14-2021	<u>PAYMENT RECEIVED trans #7</u>		<u>\$8.00</u>
		Y	
01-07-2022	<u>CIT RTN (TURNIPSEED INTERNATIONAL INC)</u>		<u>\$0.00</u>
			

01-07-2022	<u>CIT Tr# 7 RET EXEC(TURNIPSEED INTERNATIONAL INC) On 12/20/2021</u>		<u>\$0.00</u>
01-12-2022	<u>ORIG ANS OF DEFN TURNIPSEED INTERNATIONAL INC</u>		<u>\$0.00</u>
01-12-2022	<u>DEFN'S JURY DEMAND</u>		<u>\$0.00</u>
01-12-2022	<u>JURY FEE</u>		<u>\$0.00</u>

N